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February 1, 2024

VIA ECF

The Honorable Jennifer L. Rochon
United States District Judge
Southern District of New York
500 Pearl Street, Room 1920
New York, New York 10007

Re: Lockinger v. International Business Machines Corporation, 1:22-cv-09888

Dear Judge Rochon:

Defendant International Business Machines Corporation (“Defendant”) and Plaintiff Catherine Lockinger (“Plaintiff”) jointly write to update the Court on the status of the case and to request an adjournment of the post discovery pre-trial conference pursuant to Rules 1(F) and 2(F) of Your Honor’s Individual Rules of Practice in Civil Cases.

The status of the case is that the parties have completed discovery, after completing seven depositions in January, including two this week. We had a settlement conference scheduled with Judge Lehrburger for February 13, 2024, but requested that he reschedule that conference to give the parties more time to assess the case, including review of deposition transcripts (several of which we are still waiting for), following the close of discovery. Judge Lehrburger granted this request and has rescheduled the settlement conference for March 6, 2024. (Dkt. 47, 48)

The parties now request that Your Honor adjourn the pre-trial conference, currently set for February 27, 2024, until after the March 6, 2024 settlement conference. This will allow the parties to meaningfully discuss settlement prior to the pre-trial conference. Adjourning the conference will also avoid using the Court’s and parties’ resources in preparing for and having the pre-trial conference (including parties’ likely submission of pre-motion summary judgment letters) until after the settlement conference has taken place. We also request that the Court allow the parties to meet Your Honor’s Rule 2(F) settlement discussion requirement through the scheduled settlement conference with Judge Lehrburger.

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This is the parties' first request to adjourn the pre-trial conference.¹ The requested adjournment will not affect any other dates in the Scheduling Order. The parties have conferred and are available March 21 through March 28, 2024, and April 2 through April 4, 2024.

If this proposed adjournment meets with Your Honor's approval, a "So Ordered" line is provided below for the Court's convenience.

Respectfully Submitted,

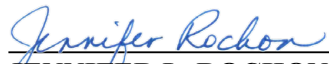
s/ Brian Heller
Brian Heller
Counsel for Plaintiff

s/ Erika D. Cagney
Erika D. Cagney
Counsel for Defendant

The conference set for February 27, 2024 is adjourned to **April 4, 2024 at 3:00 p.m.**

Dated: February 2, 2024
New York, New York

SO ORDERED.


JENNIFER L. ROCHON
United States District Judge

¹ Defendant previously requested to extend the deadline for filing pre-motion letters, which was granted on January 18, 2024. (Dkt. 46). In that order, the Court adjourned the pre-trial conference to February 27, 2024. Currently, Defendant's pre-motion letter is due February 6, 2024, and Plaintiff's response is due February 13, 2024.